THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 17307 of 2007

DATED: 4-12-2007

Between:

G.T.Narayana Upper Primary School
(TM & EM), Wanaparthy, rep. by its
Correspondent

…Petitioner

and

The District Educational Officer,
Mahabubnagar,
Mahabubnagar District

…Respondent

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.No. 17307 of 2007

Oral order:

Heard the learned counsel for the petitioner Sri Kuna Reddy Anji Reddy and the learned Government Pleader for School Education.

The writ petition is directed against the order dated 1-8-2007 of the respondent, whereby and whereunder, for purported violation of Rule 10 (10), (18) & (22) of G.O.Ms.No.1, Education, dated 1-1-1994 and in view of the order of the District Collector, dated 18-10-2007, the respondent has withdrawn the permission and recognition of the petitioner's School with immediate effect.

Admittedly no notice or opportunity was afforded to the petitioner before passing the impugned order.

According to the impugned order, the petitioner-Management is alleged to have admitted Master M.Aravind in Class III English Medium during the academic year 2007-08. The Management/Correspondent of the School with the involvement of the Headmaster and the Warden detained Master Aravind in the hostel with a leading chain to his left leg/hand for 20 days; they also used to lock him up in the hostel and even did not allow him to classroom without the chain.

The above incident including photographs of the student in chains was widely reported in the media. An investigation by the authorities ensued. In an enquiry, the school students reported that Master Aravind, studying in class-III has been kept in chains by the Management of the school for the last 20 days. On the basis of this information and on assertion that such conduct by the Management is

in contravention of the Rules issued in G.O.Ms.No.1, Education, dated 1-1-1994, the recognition of the School has been withdrawn. As withdrawal of recognition results in serious deprivation to the profession of the petitioner minimal standards of Administrative law require a notice or opportunity afforded to the petitioner. This has not been done in the present case. The impugned order is therefore invalid. It is accordingly quashed.

As the allegations against the petitioner-Management are extremely grave, the respondent is always at liberty to afford a minimal process of opportunity and then expeditiously consider passing appropriate orders including, if warranted, an order of withdrawal of recognition, but in accordance with law.

The writ petition is disposed of as above. There shall be no order as to costs.

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GODA RAGHURAM, J

04-12-2007
GRR